

SEC. 12. For the purpose of construction, improving, or repairing public roads the superintendent of road work or other person engaged in or connected with the road work, after first consulting the owner or his agent, shall have authority to enter upon any land, to cut or carry away any timber except trees left for ornament or shade; to dig or cause to be dug or carried away any gravel, earth, or sand which may be necessary to construct, improve, or repair said roads, and to enter upon any land adjoining or lying near the roads; to make such drains or ditches through the same as may be necessary for the benefit of the roads, doing as little injury to the land as possible; and any person willfully obstructing such drains or ditches shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars for each day the obstruction remains. Any landlord considering himself damaged by reason of acts authorized in this section may, within sixty days from the commission of the acts complained of, present his claim to the highway commission, who shall pass thereon within twenty days thereafter, and the owner may, within ten days from notice of the decision, appeal to the Superior Court. If the owner shall not recover a greater amount than that offered in the decision of the board, he shall be taxed with all costs of the appeal.

Entry on land for material.

Drains or ditches.

Obstructing drains or ditches misdemeanor.

Punishment.

Presentation and action on claim.

Right of appeal.

Costs on appeal.

SEC. 13. No person shall allow or cause to drain water from his lands into the public roads where there is no ditch, and it shall be the duty of the secretary of the said highway commission to give notice in writing to the owner or owners of such lands the ditches of which now or may hereafter drain into the public roads, to discontinue the draining of such lands into the public roads, and the owners of such lands shall be required to discontinue the draining of said lands into the public roads within two months after such notice is given, and any person failing or refusing to comply with the provisions of this act within two months after such notice shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court; and if any person draining across the public roads of Wayne County, and who is required by law to keep up the bridge over the same, shall fail or refuse to repair or rebuild his bridge when notified to do so by the superintendent of highways or other person in authority of said public roads, within ten days from such notice, the highway commission or superintendent of highways shall have power to put the bridge in good order at the expense of the owner, and the cost of such repairing or rebuilding shall be a tax or lien upon said property so drained, and shall be collected by the sheriff when so ordered by the highway commission as other taxes are collected: *Provided*, that this shall not relieve the owner from criminal prosecution according to law; *Provided further*, that all bridges or pipes so constructed across the public roads shall be constructed according to plans approved in writing by the road superintendent.

Draining water into roads forbidden. Notice for discontinuance.

Failure to discontinue misdemeanor.

Punishment.

Drains across roads.

Maintenance of bridges.

Lien for bridges.

Proviso: criminal prosecution.

Proviso: approval of plans.